

**Appl. No. 09/301,885  
Amdt. dated September 1, 2004  
Reply to Office action of June 14, 2004**

### **REMARKS/ARGUMENTS**

Applicant received the Office Action dated June 14, 2004 in which the Examiner conceded the patentability of the claims over the cited art discussed in Applicant's appeal brief. The Examiner, however, has conducted a new search and rejected claims 1-3, 7, 9-11, 13, 15, 20-24, and 29-30 as obvious over Shan (U.S. Pat. No. 5,325,525) and rejected claims 4, 6, 12, 16-17, and 27-28 as obvious over Shan in view of Billups (U.S. Pat. No. 6,173,246). The Examiner also concluded that dependent claims 5, 8, 14, and 18-19 would be allowed if rewritten in independent form. In this response, Applicant amends claims 1, 15, 20, and 24. Based on the amendments and arguments contained herein, Applicant believes all pending claims to be allowable over the art of record.

The Examiner correctly acknowledged that Shan does not teach that the processes are spawned "in response to user specified criteria." The Examiner, however, alleges that Shan teaches that a user enters "a task and subtask resource schedule." Office Action, page 3. The Examiner identified Shan's Abstract, Figure 1, and claim 1 for this proposition. Applicant respectfully disagrees. Applicant does not find a teaching in Shan that the schedule is user-specified. Shan, instead, teaches a computer-implemented method that includes "scheduling each subtask against any resources required to execute that subtask such that adherence to the schedule would result in executing the task in the minimum execution time." Col. 5, lines 8-11. Nowhere does Shan teach or even suggest that a user schedules the tasks or subtasks. Thus, Applicant respectfully submits that the Examiner's argument in this regard is faulty.

The Examiner also stated "the user specified criteria is the query and subqueries." Office Action, page 3. To clarify that the claimed user specified criteria is different from user specified queries to a database, Applicant amends claim 1 to specify that the user specified criteria "control how the processes are to be spawned." Shan does not teach or even suggest that user-entered queries control how processes are to be spawned. With respect to some claims that depend from claim 1, the Examiner also cited Billups. Billups, however, does not

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satisfy the deficiencies of Shan. For at least these reasons, claim 1 and all claims that depend from claim 1 are allowable over the art of record.

Applicant amends claim 15 to specify that the "set of parameters from a user...control how processes are to be spawned." Neither Shan nor Billups teaches or suggests user parameters that are used to control how processors are to be spawned. Accordingly, claim 15 and all claims that depend from claim 15 are allowable.

Applicant amends claim 20 to specify that the "user specified criteria...control how processes are to be spawned." Neither Shan nor Billups teaches or suggests this limitation. Accordingly, claim 20 and all claims that depend from claim 20 are allowable.

Applicant amends claim 24 to replace the limitation that the criteria include "a desired number of processes to be created" with "a maximum number of processors to be used in a computer to execute processes." Applicant does not find this latter limitation in Shan or Billups and, based on the Examiner's indication that claim 5 contained allowable subject matter, the Examiner would no doubt agree.

Applicant traverses the rejection of claim 29. Claim 29 requires, among other limitations, "specifying whether processes are to be spawned automatically to match a set of criteria or spawned in accordance with a process group file." The Examiner identified col. 7, lines 29-67 of Shan as allegedly teaching this limitation. Applicant does not find any teaching or even a suggestion in this passage of Shan, or elsewhere in Shan, of the ability to spawn processes "automatically to match a set of criteria or...in accordance with a process group file." Billups does not satisfy this deficiency of Shan. For at least his reason, Applicant believes claim 29 and dependent claim 30 to be allowable over the art of record.

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**CONCLUSION**

In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If any fees or time extensions are inadvertently omitted or if any fees have been overpaid, please appropriately charge or credit those fees to Hewlett-Packard Company Deposit Account Number 08-2025 and enter any time extension(s) necessary to prevent this case from being abandoned.

Respectfully submitted,



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